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Attorneys for Plaintiffs,  
CAPITOL RECORDS, INC.; UMG  
RECORDINGS, INC.; VIRGIN RECORDS  
AMERICA, INC.; LAFACE RECORDS  
LLC; LAVA RECORDS LLC; SONY BMG  
MUSIC ENTERTAINMENT; BMG  
MUSIC; and ATLANTIC RECORDING  
CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CAPITOL RECORDS, INC., a Delaware  
corporation; UMG RECORDINGS, INC., a  
Delaware corporation; VIRGIN RECORDS  
AMERICA, INC., a California corporation;  
LAFACE RECORDS LLC, a Delaware limited  
liability company; LAVA RECORDS LLC, a  
Delaware limited liability company; SONY  
BMG MUSIC ENTERTAINMENT, a Delaware  
general partnership; BMG MUSIC, a New York  
general partnership; and ATLANTIC  
RECORDING CORPORATION, a Delaware  
corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 4:08-cv-01662-WDB

Hon. Wayne D. Brazil

***EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference  
2 currently set for July 3, 2008 at 4:00 p.m. to September 4, 2008. As further explained below,  
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached  
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for July 3, 2008 at 4:00 p.m. Plaintiffs  
6 have not requested any previous continuances of the case management conference in this matter.

7 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John  
8 Doe ("Defendant") on March 27, 2008. Plaintiffs did not have sufficient identifying information to  
9 name the defendant individually in the Complaint, but were able to identify Defendant by the  
10 Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

11 3. In order to determine Defendant's true name and identity, Plaintiffs filed their *Ex*  
12 *Parte* Application for Leave to Take Immediate Discovery on March 27, 2008, requesting that the  
13 Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

14 4. The Court entered an Order for Leave to take Immediate Discovery on April 1, 2008,  
15 which Plaintiffs then served upon the ISP along with a Rule 45 subpoena.

16 5. Soon after Plaintiffs' subpoena was served upon the ISP, Defendant contacted  
17 Plaintiffs' settlement representatives and the parties have since engaged in several settlement  
18 discussions. Plaintiffs now believe that a provisional settlement has been reached.

19 6. Plaintiffs therefore wish to give Defendant a brief period of time to conclude  
20 settlement negotiations before proceeding with the litigation. If the case settles, Plaintiffs will  
21 promptly file appropriate dispositional documents. If the case does not settle, Plaintiffs plan to file a  
22 First Amended Complaint naming Defendant individually and proceed to serve him with process.  
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1           7.       Given the foregoing circumstances, a case management conference is unnecessary at  
2 this time. Plaintiffs therefore respectfully request that the Court continue the case management  
3 conference currently set for July 3, 2008 at 4:00 p.m. to September 4, 2008.  
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5 Dated: June 23, 2008

HOLME ROBERTS & OWEN LLP

7 By: /s/ Dawniell Alise Zavala

8 DAWNIELL ALISE ZAVALA  
9 Attorney for Plaintiffs  
10 CAPITOL RECORDS, INC.; UMG  
11 RECORDINGS, INC.; VIRGIN  
12 RECORDS AMERICA, INC.; LAFACE  
13 RECORDS LLC; LAVA RECORDS  
14 LLC; SONY BMG MUSIC  
15 ENTERTAINMENT; BMG MUSIC;  
16 and ATLANTIC RECORDING  
17 CORPORATION

18 **[PROPOSED] ORDER**

19 Good cause having been shown:

20 **IT IS ORDERED** that the case management conference currently set for July 3, 2008 at 4:00  
21 p.m. be continued to September 4, 2008.  
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23 Dated: \_\_\_\_\_

By: \_\_\_\_\_

24 Honorable Wayne D. Brazil  
25 United States Magistrate Judge  
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